

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 26-021

7
8 RELATING TO REGULATION OF STORMWATER; AMENDING CHAPTERS 30.63A, 30.63B, SECTION
9 30.70.310, AND SUBTITLE 30.91 OF THE SNOHOMISH COUNTY CODE (SCC) IN RESPONSE TO THE
10 COUNTY'S 2024 PHASE I MUNICIPAL STORMWATER PERMIT

11
12 WHEREAS, the Federal Water Pollution Control Act (Clean Water Act or CWA) requires states
13 and their local governments to take steps to implement the National Pollutant Discharge Elimination
14 System (NPDES) permit program; and

15
16 WHEREAS, under its administration of the CWA, the Environmental Protection Agency (EPA)
17 promulgated regulations to control stormwater discharges from municipal separate storm sewer
18 systems (MS4s) in two groups called Phase I and Phase II; and

19
20 WHEREAS, MS4s include roads with drainage systems, county roads, catch basins, curbs, gutters,
21 ditches, manmade channels, and storm drains that are owned or operated by the county; and

22
23 WHEREAS, Snohomish County (the County) is a Phase I municipal stormwater permittee for the
24 purpose of regulating discharge from MS4s under the NPDES permit program and Washington State's
25 Waste Discharge General Permit program; and

26
27 WHEREAS, chapter 90.48 RCW, the Washington State Water Pollution Control Act, authorizes
28 the Washington State Department of Ecology (Ecology) to implement the NPDES permit program at the
29 state level; and

30
31 WHEREAS, Ecology issued the County's first NPDES Phase I Municipal Stormwater Permit (NPDES
32 Permit) on July 5, 1995; and

33
34 WHEREAS, the Snohomish County Council (County Council) adopted Amended Ordinance No.
35 98-055 on August 3, 1998, enacting drainage development regulations consistent with the 1995 NPDES
36 Permit and the goals and policies of the Snohomish County Growth Management Act Comprehensive
37 Plan (GMACP); and

38
39 WHEREAS, Ecology re-issued the County NPDES Permit on January 17, 2007, under Phase I
40 Municipal Stormwater Permit No. WAR04-4502; and

41
42 WHEREAS, the County Council adopted Amended Ordinance Nos. 10-023 and 10-026 and
43 Ordinance No. 10-024 on June 9, 2010, enacting revised development regulations consistent with the
44 2007 NPDES Permit and the goals and policies of the GMACP; and

1 WHEREAS, Ecology re-issued the County’s NPDES Permit on December 17, 2014, which became
2 effective on January 16, 2015; and
3

4 WHEREAS, the County Council adopted Ordinance Nos. 15-102 and 15-103 on January 11, 2016,
5 enacting revised development regulations consistent with the 2014 NPDES Permit and the goals and
6 policies of the GMACP; and
7

8 WHEREAS, the County Council adopted Amended Ordinance No. 17-070 on November 1, 2017,
9 which became effective on December 1, 2017, to further promote the use of low impact development
10 (LID) best management practices (BMPs), provide incentives for or to remove barriers to the use of LID
11 BMPs, and to provide clarity regarding LID feasibility requirements; and
12

13 WHEREAS, Ecology re-issued the County’s NPDES Permit on July 1, 2019, which became effective
14 on August 1, 2019; and
15

16 WHEREAS, the County Council adopted Amended Ordinance No. 21-025 on June 16, 2021,
17 enacting revised development regulations consistent with the 2019 NPDES Permit and the goals and
18 policies of the GMACP; and
19

20 WHEREAS, Ecology re-issued the County’s NPDES Permit on July 1, 2024, which became effective
21 on August 1, 2024; and
22

23 WHEREAS, the 2024 NPDES Permit updates requirements for regulating discharges of
24 stormwater into and from the County’s MS4, including through the regulation of new development and
25 redevelopment projects; and
26

27 WHEREAS, special condition S5.C.5.b.iii and Appendix 10, Part 2 of the 2024 NPDES Permit
28 identify seven significant changes made to the 2024 NPDES Permit and the Washington State
29 Department of Ecology’s 2024 Stormwater Management Manual for Western Washington (2024
30 SWMMWW), which are required to be included in the County’s stormwater management regulations;
31 and
32

33 WHEREAS, the seven significant changes identified by Ecology in the 2024 NPDES Permit and the
34 2024 SWMMWW address the following: 1) Redevelopment project level thresholds; 2) Project
35 exemptions; 3) Wetland hydroperiod protection method 2; 4) Definitions related to Minimum
36 Requirements (MRs); 5) Runoff treatment performance goal thresholds; 6) Source control BMPs related
37 to PCB; and 7) Bioretention; and
38

39 WHEREAS, significant change one, redevelopment project level thresholds, updates thresholds
40 for applying the MRs to redevelopment projects; and
41

42 WHEREAS, significant change two, project exemptions, updates the text describing the
43 exemptions from MRs to ensure that the project scope does not exceed the intention of the limited
44 exemptions; and
45

1 WHEREAS, significant change three, wetland hydroperiod protection method 2, updates the
2 hydroperiod requirements for criteria 2 in method 2 which includes updating a percentage increase of
3 allowable monthly discharge volume deviations from 15% to 20% during October, November, and
4 December, and an “allowable exception” for summer months; and
5

6 WHEREAS, significant change four updates definitions related to the MRs; and
7

8 WHEREAS, significant change five, runoff treatment performance goal thresholds, updates
9 thresholds for runoff treatment BMP types, such as metals, oils, or phosphorus), for statewide
10 consistency and to reflect updated requirements; and
11

12 WHEREAS, significant change six, source control BMPs – PCB edits, updates source control BMPs
13 to include guidance for preventing pollution from PCBs in building materials; and
14

15 WHEREAS, significant change seven, bioretention, updates the guidance within BMP T7.30 to
16 include the option to use the high performance bioretention soil mix and to clarify the design infiltration
17 rate to use for all three bioretention soil mix options; and
18

19 WHEREAS, additional changes as prompted by the 2024 SWMMWW and the 2024 Phase I
20 Municipal Stormwater Permit include stormwater facility maintenance standards and started
21 construction standards; and
22

23 WHEREAS, the County identified additional County-initiated changes to code, the Snohomish
24 County Drainage Manual, and the County’s Engineering Design and Development Standards (EDDS), that
25 ensure internal consistency with the 2024 NPDES Permit’s significant changes, reflect other changes
26 made by Ecology to the 2024 SWMMWW and 2024 NPDES Permit, improve clarity in code language,
27 update implementation processes, and make housekeeping amendments; and
28

29 WHEREAS, the County’s updated stormwater regulations that meet the standards in special
30 condition S5.C.5.b.iv must be adopted and made effective no later than July 15, 2026, to comply with
31 the 2024 NPDES Permit; and
32

33 WHEREAS, it is necessary to amend chapters 30.63A and 30.63B SCC, SCC 30.70.310, and
34 subtitle 30.91 SCC to update the County’s stormwater drainage regulations consistent with the 2024
35 NPDES Permit; and
36

37 WHEREAS, it is necessary to update the Drainage Manual and EDDS through a separate and
38 coordinated rules amendment process under chapter 30.82 SCC to update the County’s stormwater
39 drainage regulations consistent with the 2024 NPDES Permit; and
40

41 WHEREAS, the Drainage Manual is an administrative rule managed by the Snohomish County
42 Department of Conservation and Natural Resources and provides the standards and design details
43 necessary to implement the drainage requirements in the SCC; and
44

1 WHEREAS, the updated Drainage Manual is proposed as an equivalent to the 2024 SWMMWW
2 and has been tailored for consistency with the SCC to provide clarity, improve usability, and promote
3 permit review efficiencies; and
4

5 WHEREAS, EDDS is an administrative rule that establishes standards for safety, construction,
6 mobility, maintenance, and water quality for transportation, drainage, and utility facilities constructed in
7 the County and provides standards necessary to implement drainage requirements in the SCC; and
8

9 WHEREAS, the updated EDDS is proposed as an equivalent to the 2024 SWMMWW and has
10 been tailored for consistency with the SCC to provide clarity to terminology; and
11

12 WHEREAS, draft stormwater documents, which included the draft code language contained in
13 this ordinance, the updated draft Drainage Manual, and the updated draft EDDS, were transmitted to
14 Ecology for review on June 9, 2025, in accordance with the requirements in special condition S5.C.5.b.iii
15 of the 2024 NPDES Permit; and
16

17 WHEREAS, Ecology provided written comments on the County's draft stormwater documents on
18 November 20, 2025; and
19

20 WHEREAS, Ecology staff and County staff met to discuss the County's draft stormwater
21 documents on December 9, 2025; and
22

23 WHEREAS, County staff and Ecology staff communicated on several occasions from late-
24 December to early January 2025, to resolve issues identified in Ecology's written comments; and
25

26 WHEREAS, Ecology issued a letter to the County on December 18, 2025, making a preliminary
27 approval and determination that the County's proposed amendments to the SCC, the Drainage Manual,
28 and EDDS are equivalent to the required portions of Ecology's 2024 SWMMWW, with certain
29 exceptions; and
30

31 WHEREAS, County staff submitted a second round of draft stormwater documents for Ecology's
32 review on January 9, 2026; and
33

34 WHEREAS, Ecology issued a follow-up letter to the County on February 27, 2026, making a
35 preliminary determination that all items reviewed as proposed to be amended are deemed equivalent
36 to Ecology's 2024 SWMMWW; and
37

38 WHEREAS, the County implemented a public participation program pursuant to special
39 condition S5.C.4 of the 2024 NPDES Permit, in conjunction with public participation opportunities
40 afforded under the Growth Management Act (GMA), that included opportunities for the public's
41 involvement in the development of the County's stormwater management program and
42 implementation priorities; and
43

44 WHEREAS, pursuant to RCW 36.7A.106, a notice of intent to adopt the proposed regulations and
45 standards was transmitted to the Washington State Department of Commerce on February 2, 2026; and
46

1 WHEREAS, the Snohomish County Planning Commission (“Planning Commission”) was briefed on
2 the proposed regulations on February 24, 2026; and
3

4 WHEREAS, the Planning Commission held a public hearing on the proposed stormwater
5 regulations and voted unanimously to recommend to County Council on March 24, 2026; and
6

7 WHEREAS, the County Council was briefed on the Planning Commission recommendation on
8 _____, 2026; and
9

10 WHEREAS, on _____, 2026, the County Council held a public hearing after proper notice,
11 and considered public comment and the entire record related to the code amendments contained in
12 this ordinance; and
13

14 WHEREAS, following the public hearing, the County Council deliberated on the code
15 amendments contained in this ordinance.
16

17 NOW, THEREFORE, BE IT ORDAINED:
18

19 Section 1. The County Council adopts the following findings in support of this ordinance:
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22
- 23 B. The County Council makes the following additional findings of fact.
24
- 25 C. The County drainage regulations in chapter 30.63A SCC contain the drainage requirements for all of
26 unincorporated Snohomish County to prevent and control pollution of waters of the State of
27 Washington pursuant to special condition S5.C.5.b of the 2024 NPDES Permit.
28
- 29 D. Permit applicants are required to comply with the drainage regulations in amended chapter 30.63A
30 SCC, the land-disturbing activity regulations in amended chapter 30.63B SCC, the Drainage Manual,
31 and EDDS. Together, these regulations address stormwater runoff from new development,
32 redevelopment and construction activities, including public and private development and roads.
33 These regulations meet the minimum performance measures in special condition S5.C.5 of the 2024
34 NPDES Permit. This ordinance contains only the amendments to SCC, as the Drainage Manual and
35 EDDS are being updated concurrently with the code amendments in this Ordinance via a rule
36 amendment process under chapter 30.82 SCC.
37
- 38 E. This ordinance amends chapter 30.63A SCC to meet the necessary requirements to be functionally
39 equivalent to the 2024 SWMMWW significant changes identified in Appendix 10, Part 2,
40 requirements based on MRs in the 2024 SWMMWW, and comply with the 2024 NPDES Permit.
41 Some amendments to chapter 30.63A SCC also reflect County-initiated changes for consistency with
42 the 2024 NPDES Permit and housekeeping amendments. The amendments to chapter 30.63A SCC
43 are as follows:
44
 - 45 1. This ordinance amends SCC 30.63A.140 to reference the most up to date Washington State
46 Department of Transportation Highway Runoff Manual (Highway Runoff Manual) and to clarify

1 the Highway Runoff Manual may be used for public road construction projects as permitted by
2 the County's applicable NPDES Permit. These amendments are made for consistency with the
3 2024 NPDES Permit.
4

- 5 2. This ordinance amends SCC 30.63A.200(1) through (7) to modify exemptions from Minimum
6 Requirements (MRs) to be consistent with significant change two in the 2024 NPDES Permit.
7 These amendments include changes to the content and scope of the exemptions.
8
- 9 3. SCC 30.63A.200(9)(c)(ii), concerning exempt agricultural activities, is amended for consistency
10 with the County's recently updated critical areas regulations (CAR), SCC 30.62A.510, related to
11 activity in certain wetlands.
12
- 13 4. SCC 30.63A.310(4) is amended to update reference to Ecology's SWMMWW publishing date
14 from 2019 to the most recent 2024 SWMMWW.
15
- 16 5. SCC 30.63A.310(5) is amended to update minimum drainage review thresholds for road related
17 redevelopment projects as required in significant change one in the 2024 NPDES Permit. This
18 SCC section is amended to state that all MRs apply to the new and replaced hard surfaces and
19 converted vegetation areas if the project adds 5,000 square feet or more of new plus replaced
20 hard surfaces and the new plus replaced had surfaces total 50% or more of the existing surfaces
21 on the site.
22
- 23 6. This ordinance amends SCC 30.63.A.310(6) to update code language to include a new threshold
24 for commercial or industrial sites as required in significant change one in the 2024 NPDES
25 Permit. The new threshold states that all MRs apply to new and replaced hard surfaces and
26 converted vegetation areas if the project adds 5,000 square feet or more of new plus replaced
27 hard surfaces and the new plus replaced hard surfaces totaled 50% or more of the existing hard
28 surfaces within the site.
29
- 30 7. This ordinance amends SCC 30.63A.450(4) through (6) to make minor amendments to MR #2,
31 concerning stormwater pollution prevention plan (SWPPP) requirements. This amendment
32 ensures consistency with updates to MR #2 within Appendix 1 of the 2024 NPDES Permit.
33
- 34 8. This ordinance makes minor amendments to MR #3 in SCC 30.63A.515, concerning water
35 pollution source control for new development and redevelopment, to ensure consistency with
36 updates to MR #3 made within Appendix 1 of the 2024 NPDES Permit.
37
- 38 9. This ordinance makes minor amendments to MR #4 in SCC 30.63A.520, concerning preservation
39 of natural drainage systems and outfalls, and provision of off-site mitigation, to ensure
40 consistency with updates to MR #4 within Appendix 1 of the 2024 NPDES Permit.
41
- 42 10. SCC 30.63A.700, concerning minimum requirements for pavement activities, is amended to
43 clarify types of pavement activities that are not exempt and must comply with applicable MRs,
44 consistent with significant change two in the 2024 NPDES Permit.
45

- 1 11. This ordinance amends SCC 30.63A.800 and 30.63A.820 to update and clarify the review
2 processes for land development proposals with drainage components.
3
- 4 12. SCC 30.63A.830 and 30.63A.840 are amended to update references to Snohomish County
5 departments, as the Department of Conservation and Natural Resources (DCNR) was created
6 since these code sections were last updated in 2021 and to clarify the time period for appeal of
7 a pre-decision drainage modification or waiver.
8
- 9 13. This ordinance amends SCC 30.63A.865 to clarify code processes for submittal of engineering
10 record documents and to include the word “engineering” in the name of the code section for
11 housekeeping purposes.
12
- 13 F. This ordinance amends chapter 30.63B SCC to meet the necessary requirements to be
14 functionally equivalent to the 2024 SWMMWW significant changes identified in Appendix 10,
15 Part 2, requirements based on MRs in the 2024 SWMMWW, and comply with the 2024 NPDES
16 Permit. Some amendments also reflect County-initiated changes for consistency with the 2024
17 NPDES Permit and housekeeping amendments. The following identifies the amendments to
18 chapter 30.63B SCC:
19
- 20 1. SCC 30.63B.070(3), is amended to update text describing the exemptions from MRs that
21 have been updated to ensure that the project scope does not exceed the intention of
22 these limited exemptions. Those exemptions pertain to work by a utility and to
23 pavement maintenance activities. This change is consistent with significant change two
24 in the 2024 NPDES Permit. SCC 30.63B.070(3), concerning minor development activities
25 performed by a utility, is also amended for consistency with the County’s recently
26 updated CAR, SCC 30.62A.510, related to activity in certain wetlands.
27
- 28 2. SCC 30.63B.070(5), concerning exempt agricultural activities, is amended for consistency
29 with the County’s recently updated critical areas regulations (CAR), SCC 30.62A.510,
30 related to activity in certain wetlands.
31
- 32 G. This ordinance amends SCC 30.70.310, concerning the started construction requirement. This
33 amendment updates the dates for start of construction vesting to be in line with updated
34 requirements in special condition S5.C.5.a of the 2024 NPDES Permit. This amendment is
35 required for compliance with the 2024 NPDES Permit.
36
- 37 H. This ordinance amends subtitle 30.91 SCC to make the significant changes identified in Appendix
38 10, Part 2, and to comply with the 2024 NPDES Permit. Some amendments to subtitle 30.91 SCC
39 also reflect the County-initiated changes for consistency with the 2024 NPDES Permit and
40 housekeeping amendments. The following identifies amendments to subtitle 30.91 SCC:
41
- 42 1. SCC 30.91C.185 (“common plan of development or sale”), SCC 30.91E.070 (“conveyance
43 system”), SCC 30.91I.010 (“impervious surface”), SCC 30.91P.257 (“pollution-generating
44 pervious surfaces or PGPS”), SCC 30.91P.354 (“project site”), SCC 30.91R.118 (“replaced
45 hard surface”), SCC 30.91S.351 (“site”), SCC 30.91S.521 (“source control BMP”), and SCC
46 30.91T.054B (“threshold discharge area”) are amended and new sections SCC

1 30.91N.044.1 (“new hard surface”), SCC 30.91N.044.2 (“new impervious surface”), SCC
2 30.91P.345 (“project”), SCC 30.91R.119 (“replaced impervious surface”), and SCC
3 30.91V.016 (“vehicular use”) are added to update definitions consistent with required
4 changes under significant change four in the 2024 NPDES Permit and to be consistent
5 with changes to chapters 30.63A and SCC 30.63B SCC.
6

7 2. This ordinance amends the definition of a conveyance system in SCC 30.91C.300 for
8 consistency with the definition provided in the Drainage Manual.
9

10 3. The modification of the definition of “vehicular use” to include railway lines, including
11 light rail elevated and non-elevated guideways/tracks, and the application of the metals
12 treatment requirement to those surfaces is currently being challenged by Sound Transit
13 before the Pollution Control Hearings Board. The County intends to monitor the
14 progress of that matter to determine whether the definition or requirement may be
15 modified in the 2024 NPDES Permit as a result of that litigation.
16

17 I. In developing the proposed amendments, the County considered the GMA goals within RCW
18 36.70A.020 related to the environment. In particular, the proposed amendments are consistent
19 with:
20

21 GMA Goal 10 – “Environment. Protect and enhance the environment and enhance the state’s
22 high quality of life, including air and water quality, and the availability of water.”
23

24 The amendments in this ordinance revise drainage regulations consistent with the standards
25 required by Ecology in the County’s 2024 NPDES Permit, which will further protect and enhance the
26 environment.
27

28 J. The amendments are consistent with the following multicounty planning policies (MPPs) from Puget
29 Sound Regional Council (PSRC) VISION 2050:
30

31 MPP-EN-6 – Use the best information available at all levels of planning, especially scientific
32 information, when establishing and implementing environmental standards established by any
33 level of government.
34

35 The amendments in this ordinance update the County’s drainage regulations to reflect changes to
36 Ecology’s 2024 NPDES Phase I Permit which includes best available science that enhances
37 environmental standards.
38

39 MPP-EN-18 – Reduce stormwater impacts from transportation and development through
40 watershed planning, redevelopment and retrofit projects, and low-impact development.
41

42 The amendments in this ordinance reduce stormwater impacts through regulation of new
43 development and redevelopment and regulation of maintenance practices.
44

45 K. The proposed amendments are consistent with the following countywide planning policies (CPPs)
46 for Snohomish County:

1
2 Env-7 – The County and cities should reduce and mitigate the stormwater impacts of land
3 development and redevelopment through collaboration in watershed planning, implementation
4 of low impact development, and other best practices.

5
6 The amendments contained in this ordinance further reduce and mitigate the stormwater impacts
7 of land development through strengthening development code regulations concerning stormwater
8 runoff, pre-development, and development impacts.

9
10 Env-8 – The County and cities shall work to maintain and improve air and water quality and
11 ensure that all residents have equitable access to clean air and water.

12
13 The amendments in this ordinance support Env-8 through updating development code with
14 regulatory changes required by Ecology in the 2024 NPDES Permit that are intended to address
15 water quality, which supports equitable access to clean water.

16
17 L. The proposed amendments maintain consistency with the GMACP. The following policies apply to
18 the proposed code amendments:

19
20 NE Policy 1.C.1 – The county shall continue to protect water resources and natural watershed
21 processes by maintaining the quality, rates and supplies of water, sediment, and woody debris
22 through the use of a variety of strategies, such as:

23 Subsection (a) maintaining the natural hydrologic cycle and minimizing alterations of natural
24 drainage patterns;

25 Subsection (b) encouraging alternative impervious surface techniques;

26 Subsection (c) providing for the retention of natural vegetation;

27 Subsection (d) developing and implementing watershed management plans that protect water
28 quality and address non-point pollution and the cumulative effects of land management on
29 ecological systems;

30 Subsection (e) utilizing low impact development (LID) techniques and site planning; and

31 Subsection (f) promoting innovative and environmentally sensitive development practices in
32 siting, design, materials selection, construction, and maintenance.

33 The amendments in this ordinance are consistent with NE policy 1.C.1 because it updates
34 regulations that protect water resources through the regulation of stormwater drainage. This
35 includes updating redevelopment thresholds for road related projects, updating code to reflect the
36 new MRs, and providing more updated definitions, as required in the 2024 NPDES Permit.

37
38 Goal NE 3 – Comply with the requirements of state, federal and local laws for protecting and
39 managing critical areas, shorelines, and water.

40
41 The amendments in this ordinance are consistent with Goal NE 3 because they amend the County's
42 stormwater drainage regulations as required by Ecology in the 2024 Phase I Municipal Stormwater
43 Permit.

1
2 Objective NE 3.H – Comply with the county’s Phase I Municipal Stormwater Permit issued by the
3 Washington State Department of Ecology pursuant to the Clean Water Act and the National
4 Pollutant Discharge Elimination System (NPDES).
5

6 The amendments in this ordinance are consistent with Objective NE 3.H and its policies because
7 they meet the necessary requirements to be functionally equivalent to the 2024 SWMMWW
8 significant changes identified in Appendix 10, Part 2, and comply with the 2024 Phase I NPDES
9 Permit.
10

11 M. The amendments were evaluated for potential impacts on stormwater management and low impact
12 development (LID) principles. Updating the County’s stormwater regulations to track new regulatory
13 requirements in the County’s 2024 NPDES Permit enhances stormwater management and LID
14 principles.
15

16 N. The amendments were reviewed for potential effects on capital facilities and utilities. County and
17 external service providers maintain long-range plans and financing strategies to meet projected
18 service demands. The amendments are not expected to create new demands or interfere with these
19 plans.
20

21 O. The potential impacts of the amendments on housing and job creation were assessed. The updated
22 2024 NPDES Permit requires the County to modify regulations associated with stormwater and
23 drainage, which may have a slight impact on the cost of housing development or redevelopment
24 due to increased stormwater regulations standards.
25

26 P. Procedural requirements.
27

28 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC
29 30.73.010.
30

31 2. As required by RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to
32 the Washington State Department of Commerce on February 2, 2026.
33

34 3. SEPA, chapter 43.21C RCW, requirements with respect to this non-project action have been
35 satisfied through the completion of an environmental checklist and issuance of a determination
36 of nonsignificance on February 2, 2026. An additional environmental checklist and a
37 determination of nonsignificance was issued on March 24, 2026, to correct an error of omission
38 of proposed changes to SCC 30.70.310 and to clarify questions within the environmental
39 checklist.
40

41 4. The public participation process used in the adoption of this ordinance complies with the public
42 participation requirements of the 2024 NPDES Permit and all applicable requirements of the
43 GMA and the SCC, including but not limited to RCW 36.70A.035, RCW 36.70A.140, and chapter
44 30.73 SCC.
45

1 5. The Washington State Attorney General last issued an advisory memorandum, as required by
2 RCW 36.70A.370, in October of 2024 entitled “Advisory Memorandum and Recommended
3 Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional
4 Takings of Private Property” to help local governments avoid the unconstitutional taking of
5 private property. The process outlined in the State Attorney General’s 2024 advisory
6 memorandum was used by Snohomish County in objectively evaluating the regulatory changes
7 proposed by this ordinance.
8

9 Section 2. The County Council makes the following conclusions:

- 10
- 11 A. The amendments proposed by this ordinance are consistent with all applicable federal, state, and
12 local laws and regulations.
 - 13
 - 14 B. The amendments proposed by this ordinance are consistent with the goals, objectives, and policies
15 of the MPPs, CPPs, and the Snohomish County GMACP.
 - 16
 - 17 C. The County has complied with all SEPA requirements in respect to this non-project action.
18
 - 19 D. The amendments herein contain enforceable stormwater regulations as required by federal and
20 state law, which include LID principles and measures for stormwater management.
 - 21
 - 22 E. The amendments proposed by this ordinance will not create additional demand for capital facilities
23 or utilities.
 - 24
 - 25 F. The amendments proposed by this ordinance may impact housing and job creation in the County,
26 depending on future development activity and market conditions.
 - 27
 - 28 G. Amendments herein, together with updates to the County’s Drainage Manual and Engineering
29 Design and Development Standards (EDDS), incorporate the significant changes identified in the
30 2024 Phase I NPDES Permit and the 2024 SWMMWW as set forth in Appendix 10, Part 2, as required
31 by special condition S5.C.5.b.iii of the 2024 Phase I NPDES Permit. The County’s stormwater
32 drainage regulations, as amended, meet the requirements in special condition S5.C.5.b of the 2024
33 Phase I NPDES Permit.
34
 - 35 H. The public participation process used in the adoption of this ordinance complies with all applicable
36 requirements of the 2024 NPDES Permit, the GMA, and title 30 SCC.
 - 37
 - 38 I. The amendments proposed by this ordinance do not result in an unconstitutional taking of private
39 property for a public purpose.
40

41 Section 3. The Snohomish County Council bases its findings and conclusions on the entire record
42 of the County Council, including all testimony and exhibits. Any finding, which should be deemed a
43 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
44

45 Section 4. Snohomish County Code Section 30.63A.140, last amended by Ordinance No. 15-102
46 on January 11, 2016, is amended to read:

1
2 **30.63A.140 Washington State Department of Transportation Highway Runoff Manual.**

3
4 The Washington State Department of Transportation Highway Runoff Manual, as determined by the
5 Washington State Department of Ecology to be equivalent to the ~~((2014))~~ 2024 Department of Ecology
6 Stormwater Management Manual for Western Washington (SWMMWW), may be used to meet the
7 requirements of chapters 30.63A and 30.63B SCC for public road construction projects as permitted by
8 the County's applicable NPDES permit, subject to approval by the applicable director.
9

10 Section 5. Snohomish County Code Section 30.63A.200, last amended by Amended Ordinance
11 No. 21-025 on June 16, 2021, is amended to read:

12
13 **30.63A.200 General exemptions.**

14
15 The following new development and redevelopment activities shall be exempt from all stormwater
16 management requirements of this chapter except as otherwise specified in the list below ((:)). Different
17 types of exempt activities can be combined into one project, and if that project only includes exempt
18 activities, then the whole project is exempt. If the exempt activity is part of, directly related to, or
19 caused by a new development or redevelopment project, then it is not considered an exempt activity. It
20 is considered part of the new development or redevelopment project.
21

22 (1) ~~Repair ((ø)), installation, maintenance, or upgrades~~ of underground or overhead facilities by a
23 utility. The limits of exempt surfaces for underground utilities include only the area disturbed by the
24 trench work necessary for the underground utility work (including any over-excavating necessary for
25 the utility trench. For this exemption to apply, ((the repair or installation shall only)) the utility
26 activity cannot be part of, directly related to, or caused by a new development or redevelopment
27 project. The utility activity must replace ground surfaces with in-kind materials or materials with
28 similar runoff characteristics ((and the development activities shall comply with)). The utility
29 activities shall comply with minimum requirement 2 (SCC 30.63A.445 and 30.63A.450) and must
30 occur outside all critical areas, together with the buffers of and setbacks from these critical areas,
31 except that such activities may occur within floodplains and aquifer recharge areas of low or
32 moderate sensitivity to groundwater contamination.
33

34 ~~(((2) Utility facility maintenance and repairs performed by a utility that replace ground surfaces with in-~~
35 ~~kind materials with similar runoff characteristics, that do not add hard surfaces, and that do not~~
36 ~~adversely impact any critical areas, critical buffers or upstream or downstream properties, except~~
37 ~~that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 and 30.63A.450).))~~
38

39 ~~(((3)))~~ (2) Remodeling or tenant improvements that do not meet the definitions of new development,
40 redevelopment or land disturbing activity.
41

42 (3) ADA updates required per the federal Americans with Disabilities Act. This exemption applies only to
43 the surfaces disturbed by the ADA update. This exemption does not extend to additional work such
44 as extending a sidewalk beyond what is necessary for the ADA update.
45

46 (4) RESERVED.

1
2 (5) Forest practice Classes I, II, III and Class IV special nonconversion forest practices regulated by WAC
3 Title 222.

4
5 (6) Oil and gas field activities (~~or operations, including the construction~~). Construction of drilling sites,
6 waste management pits, access roads and transportation and treatment infrastructure (such as
7 pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil
8 pumping stations). Operators are encouraged to implement and maintain best management
9 practices (BMPs) to minimize erosion and control sediment during and after construction activities
10 to help ensure protection of surface water quality during storm events.

11
12 (7) Pavement maintenance activities that include only targeted pavement repairs or maintenance
13 within the area that must be disturbed to repair or maintain the pavement. Pavement maintenance
14 activities do not include: a change in the characteristics of a roadway (e.g. changing a four-way
15 intersection into a roundabout); an increase in the traffic capacity of a roadway or parking area (e.g.
16 restriping to add lanes or parking spaces); nor an expansion in the area of coverage (i.e. adding new
17 hard surfaces). The following road and pavement maintenance activities are exempt from all
18 minimum requirements:

19
20 (a) pothole (~~and~~) patching, square cut patching, or other targeted preservation work,

21
22 (b) overlaying existing asphalt or concrete pavement (~~with asphalt or concrete without expanding~~
23 the coverage area)), including grinding and overlaying, provided exposure of base course is not a
24 planned component of the maintenance activity. Examples of overlay materials include
25 bituminous surface treatment (BST or “chip seal”), asphalt, or concrete,

26
27 (c) shoulder grading,

28
29 (d) reshaping (~~and~~) or re-grading drainage systems including adding curb/gutter and/or wedge
30 curbs,

31
32 (e) crack sealing, (~~resurfacing with in kind material without expanding the road prism, pavement~~
33 preservation activities that do not expand the pavement prism,)) and

34
35 (f) vegetation maintenance associated with the road right-of-way.

36
37 (8) The following commercial agricultural activities:

38
39 (a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural
40 activities involving working the land when such activities are outside of critical areas (except for
41 floodplains and aquifer recharge areas with low or moderate sensitivity to groundwater
42 contamination), together with the buffers of and setbacks from these critical areas;

43
44 (b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities,
45 ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural
46 buildings, fences, roads and bridges; and

1
2 (c) New construction of drainage ditches (including enlargement of existing drainage ditches) that
3 require less than 500 cubic yards of grading. To qualify under this exemption, such ditches shall
4 not adversely impact critical areas or upstream or downstream properties, be located within
5 100 feet of streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas,
6 or erosion hazard areas, or contain water on site for retention, infiltration or evaporation and
7 the development activities must occur outside all critical areas, together with the buffers of and
8 setbacks from these critical areas, except that such activities may occur within floodplains and
9 aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

10
11 (9) Agricultural activities defined in chapter 30.32B SCC or SCC 30.91A.090 provided:

12
13 (a) The activity occurs on property on which agriculture is a legal use of the property;

14
15 (b) The activity requires no other permit or project approval from Snohomish County except for a
16 flood hazard permit under chapter 30.43C SCC; and

17
18 (c) The activity does not occur in a wetland as defined under state law, unless:

19
20 (i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean
21 Water Act; or

22
23 (ii) The wetland is an area of no greater than 5,000 square feet of nonriparian wetland
24 ~~((Categories II or))~~ Category III and meets the criteria of SCC 30.62A.510(4) or 10,000 square
25 feet of nonriparian Category IV wetlands ~~((, pursuant to SCC 30.62A.230(2)))~~ and that meets
26 the criteria of SCC 30.62A.510(5).

27
28 (10) The construction or maintenance of recreational trails, not including challenge areas, parking areas,
29 spectator areas, or any other developed or disturbed areas that are not trails, provided that the
30 following criteria are met:

31
32 (a) The trail at issue is on land located in a rural or resource zone;

33
34 (b) The trail at issue is located in a public park or a private park, as those terms are defined in
35 chapter 30.91P SCC;

36
37 (c) The area in which the construction or maintenance will be performed does not drain into the
38 county's municipal separate storm sewer system, as that term is defined in chapter 30.91M SCC;
39 and

40
41 (d) Design of the trail conforms to:

42
43 (i) The standards specified in the United States Forest Service Trail Construction and
44 Maintenance Notebook and the United States Forest Service Standard Specifications for
45 Construction and Maintenance of Trails; or

- 1 (ii) Such other standards for the design and construction of recreational trails that provide
2 equivalent or greater environmental protection, provided that such standards are adopted
3 by rule pursuant to SCC 30.82.010.
4

5 Section 6. Snohomish County Code Section 30.63A.310, last amended by Amended Ordinance
6 No. 21-025 on June 16, 2021, is amended to read:
7

8 **30.63A.310 Minimum drainage review thresholds and requirements for redevelopment.**
9

- 10 (1) Regardless of the redevelopment thresholds established below in subsections (2) and (3) of this
11 section all redevelopment shall comply with minimum requirement 2 (SCC 30.63A.445 and SCC
12 30.63A.450) unless minimum requirement 2 is not required for an exempted activity pursuant to
13 SCC 30.63A.200. In addition, redevelopment shall comply with any other applicable requirements
14 specified in part 700 of this chapter.
15
- 16 (2) Unless an exception under SCC 30.63A.210 applies, redevelopment projects shall comply with the
17 minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced
18 hard surfaces and the land disturbed if the redevelopment will:
19
- 20 (a) Result in or add 2,000 square feet or greater of new, replaced or the total of new plus replaced
21 hard surfaces; or
22
- 23 (b) Cause 7,000 square feet or more of land disturbing activity.
24
- 25 (3) Unless an exception under SCC 30.63A.210 applies, redevelopment projects shall comply with
26 minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new hard surfaces
27 and converted vegetation areas if the redevelopment will:
28
- 29 (a) Result in or add 5,000 square feet or more of new hard surface area;
30
- 31 (b) Convert three-quarters of an acre or more of vegetation to lawn or landscaped areas; or
32
- 33 (c) Convert two and one-half acres or more of native vegetation to pasture.
34
- 35 (4) Minimum requirements 5,6,7, and 8 may be met for an area within a threshold discharge area (TDA)
36 by providing flow control or treatment capacity for an area of equivalent flow and pollution
37 characteristics. The equivalent area does not have to be within the same TDA or project limits, but
38 must drain to the same receiving water, and the guidance for equivalent facilities using in-basin
39 transfers must be followed in Appendix I-D.6 Regional Facility Area Transfers in Volume I of the
40 ((2019)) 2024 Ecology Stormwater Management Manual for Western Washington.
41
- 42 (5) In addition to the requirements in subsections (1) through (4) of this section, for road-related
43 redevelopment projects, runoff from the replaced and new hard surfaces (~~((including pavement,~~
44 ~~shoulders, curbs and sidewalks))) and the converted vegetation areas shall meet minimum
45 requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) if the new plus replaced hard
46 surfaces total 5,000 square feet or more, and the new plus replaced hard surfaces total 50 percent~~

1 or more of the existing hard surfaces within the project limits. The project limits shall be defined by
2 the length of the project and the width of the right-of-way.

3
4 (6) In addition to the requirements in subsections (1) through (4) of this section, all redevelopment
5 projects, except road-related projects covered by subsection (5) of this section, shall comply with
6 minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new plus replaced
7 hard surfaces and converted vegetation areas when either threshold in SCC 30.63A.310(6)(a) or (b)
8 apply:

9
10 (a) Threshold 1: The ((total)) project adds 5,000 square feet or more of ((the)) new plus replaced
11 hard surfaces((totals 5,000 square feet or more)); and

12
13 ~~((b) One of the following valuation criteria is met, as applicable. For the purpose of meeting this~~
14 ~~valuation criteria, “commercial project” means development or redevelopment of a structure or~~
15 ~~site for purposes of providing accommodations for provision of goods, merchandise or services~~
16 ~~for compensation, and “industrial project” means development or redevelopment of a structure~~
17 ~~or site for purposes of providing accommodations for manufacturing, assembly, processing or~~
18 ~~storage of products or equipment:))~~

19
20 (i) For commercial or industrial projects: the valuation of the proposed improvements,
21 including interior improvements, exceeds 50 percent of the assessed value of the existing
22 project site improvements as documented by the applicant; or

23
24 (ii) For projects other than commercial or industrial projects: the valuation of proposed
25 improvements, including interior improvements, exceeds 50 percent of the assessed value
26 of the existing site improvements as documented by the applicant.

27
28 (b) Threshold 2 (for commercial or industrial sites only):

29
30 (i) The project adds 5,000 square feet or more of new plus replaced hard surfaces, and

31
32 (ii) The new plus replaced hard surfaces total 50 percent or more of the existing hard surfaces
33 within the site.

34
35 (c) For SCC 30.63A.310(6)(a) and (b), “commercial project” means development or redevelopment
36 of a structure or site for purposes of providing accommodations for provision of goods,
37 merchandise or services for compensation, and “industrial project” means development or
38 redevelopment of a structure or site for purposes of providing accommodations for
39 manufacturing, assembly, processing or storage of products or equipment.

40
41 Section 7. Snohomish County Code Section 30.63A.450, last amended by Amended Ordinance
42 No. 21-025 on June 16, 2021, is amended to read:

43
44 **30.63A.450 Minimum requirement 2: SWPPP – general requirements.**

45
46 (1) All the SWPPP elements to be followed are in the Drainage Manual volume II, chapter 3.

- 1
2 (2) Applicants for all new development and redevelopment projects of any size shall be responsible for
3 preventing soil erosion and the discharge of sediment and pollutants into receiving waters. A SWPPP
4 must be submitted as part of the stormwater site plan. The SWPPP shall be implemented prior to
5 initial soil disturbance through final stabilization.
6
- 7 (3) The SWPPP shall include a narrative and drawings. The narrative shall be a stand-alone document
8 attached to the construction drawings. The standard SWPPP format for narratives is available from
9 the Washington State Department of Ecology. The narrative shall include written explanations
10 describing the pollution prevention decisions made for the project to comply with the SWPPP
11 requirements contained in SCC 30.63A.450 and volume II of the Drainage Manual, including
12 information concerning existing site conditions, construction schedules and other pertinent items
13 not found in the drawings. Sediment and erosion control BMPs shall be selected and designed
14 pursuant to volume II, chapters 3 and 4 of the Drainage Manual. The drawings and narrative shall
15 describe when and where the selected BMPs will be installed, the performance that the BMPs are
16 expected to achieve and actions to be taken if performance is not achieved. All relevant information
17 shall be included on the construction plans for the availability of project inspectors.
18
- 19 (4) All new development and redevelopment shall be designed to prevent erosion and discharge of
20 sediment and other pollutants into receiving waters. If erosion and sediment control requirements
21 are not met (i.e. turbid water is leaving the site), then the department shall require that the
22 contractor maintain the existing BMPs or implement other BMPs as appropriate.
23
- 24 (5) To control sediment transport and erosion during the wet season from October 1st through April
25 30th, seasonal work limitations shall apply, except as otherwise exempt per SCC 30.63A.450(6).
26 Based on information provided by the applicant or local weather conditions, the department may
27 expand or restrict the seasonal limitation on site disturbance. Land disturbing activities (~~may~~) shall
28 only be (~~authorized~~) permitted if (~~silt laden runoff~~) shown to the satisfaction of the department
29 that turbid water will be prevented from leaving the site through any combination of the following:
30
- 31 (a) Site conditions including existing vegetative coverage, slope, soil type and proximity to receiving
32 waters;
 - 33
 - 34 (b) Limitations on activities and the extent of disturbed areas; and
 - 35
 - 36 (c) Proposed erosion and sediment control measures.
 - 37
- 38 (6) The following conditions or development activities are exempt from the seasonal (~~clearing and~~
39 ~~grading~~) work limitations required per SCC 30.63A.450(5):
- 40
 - 41 (a) Where there is 100 percent infiltration of (~~surface water~~) stormwater runoff within the site
42 into approved and installed stormwater facilities;
 - 43
 - 44 (b) Routine maintenance and necessary repair of erosion and sediment control BMPs; and
 - 45

- 1 (c) Routine maintenance of public facilities or existing utility structures that do not expose the soil
2 or result in the removal of the vegetative cover to soil.
3

4 Section 8. Snohomish County Code Section 30.63A.515, adopted by Amended Ordinance No. 10-
5 026 on June 9, 2010, is amended to read:
6

7 **30.63A.515 Minimum requirement 3: Water pollution source control for new development or**
8 **redevelopment.**
9

10 When minimum requirement 3 applies pursuant to part 300 of this chapter and no exemption under
11 SCC 30.63A.200 applies, source control shall be provided through the application of source control BMPs
12 during construction and on the developed site following construction. BMPs shall be appropriate for the
13 proposed construction activities, buildings, facilities and intended post-development site uses in
14 accordance with volume IV of the Drainage Manual. All new development and redevelopment projects
15 shall apply all known, available, and reasonable source control BMPs (~~shall be required~~) as follows:
16

- 17 (1) Source control BMPs in accordance with volume IV (~~chapters~~) chapter 3 (~~and 4~~) of the Drainage
18 Manual shall be applied during construction if any pollution-generating activities described in
19 volume IV, (~~chapters~~) chapter 3 (~~and 4~~) are performed on the site during construction; and
20
21 (2) Source control BMPs in accordance with volume IV, chapter 5 of the Drainage Manual shall be
22 selected, designed, (~~and~~) constructed, and maintained if any pollution-generating activities or uses
23 described in volume IV, chapter 5 are proposed for the developed site following construction.
24

25 Section 9. Snohomish County Code Section 30.63A.520, last amended by Amended Ordinance
26 No. 21-025 on June 16, 2021, is amended to read:
27

28 **30.63A.520 Minimum requirement 4: Preservation of natural drainage systems and outfalls, and**
29 **provision of off-site mitigation.**
30

31 When minimum requirement 4 applies pursuant to part 300 of this chapter and no exemption under
32 SCC 30.63A.200 applies, the requirements of this section shall be met.
33

- 34 (1) Natural drainage patterns identified in the stormwater site plan and determined by the currently
35 functioning drainage pattern and patterns occurring over the past 10 consecutive years shall be
36 preserved and maintained to the maximum extent practicable. Discharges from the project site shall
37 occur at natural locations, to the maximum extent practicable.
38
39 (2) The manner by which runoff is discharged from the project site shall not cause off-site drainage
40 impacts, as defined in volume I, chapter 3 of the Drainage Manual. Mitigation of off-site drainage
41 impacts shall be provided pursuant to the requirements of volume I, chapter 3 of the Drainage
42 Manual. In addition, appropriate energy dissipation shall be provided for all (~~outfalls~~) concentrated
43 discharge locations, including the discharges from pipe systems, culverts, and ditches, in accordance
44 with the requirements of the EDDS and volumes III and IV of the Drainage Manual. An applicant shall
45 provide justification in the stormwater site plan that energy dissipation is not warranted, subject to
46 department review and approval.

1
2 Section 10. Snohomish County Code Section 30.63A.700, last amended by Amended Ordinance
3 No. 21-025 on June 16, 2021, is amended to read:

4
5 **30.63A.700 Minimum requirements for pavement (~~(maintenance)~~) activities.**

6
7 The following pavement (~~(maintenance practices)~~) activities are not exempt (~~(-)~~) and must comply with
8 the minimum requirements triggered by the redevelopment thresholds in SCC 30.63A.310:

9
10 (1) The following are considered to be replaced hard surfaces:

- 11 (a) Removing and replacing (~~(an asphalt or concrete)~~) a pavement to base course or lower; (~~(and)~~)
12 or
13
14 (b) Repairing the pavement base (except for a pothole or square cut patching).

15
16
17 (2) The following are considered to be new hard surfaces:

- 18 (a) Extending the pavement edge (~~(without increasing the size of the road prism)~~); (~~(and)~~)
19
20 (b) Paving graveled shoulders (~~(-)~~) ;

21
22
23 (~~(3) The following are considered to be new impervious surfaces:~~)

24
25 (~~((a) Resurfacing by upgrading)~~) (c) Upgrading from dirt to gravel, a bituminous surface treatment
26 (“chip seal”), asphalt, (~~(or)~~) concrete, or permeable pavement;

27
28 (~~((b) Resurfacing by upgrading)~~) (d) Upgrading from gravel to chip seal, asphalt, (~~(or)~~) concrete, or
29 permeable pavement; (~~(and)~~) or

30
31 (~~((c) Resurfacing by upgrading)~~) (e) Upgrading from chip seal to asphalt (~~(or)~~) concrete, or
32 permeable pavement.

33
34 Section 11. Snohomish County Code Section 30.63A.800, last amended by Ordinance No. 15-102
35 on January 11, 2016, is amended to read:

36
37 **30.63A.800 Stormwater drainage review process.**

38
39 (1) Stormwater drainage review conducted pursuant to this chapter shall be (~~(completed)~~) in
40 conjunction with, and shall be a condition of, approval of the underlying permit for a proposed
41 development or redevelopment activity. Construction shall not commence until a required permit or
42 plan for new development or redevelopment is issued or approved and until required reviews or
43 inspections are completed.

44
45 (2) Whenever a development or redevelopment requires submittal of a targeted or full stormwater site
46 plan under this chapter, the stormwater site plan shall be submitted at the time of the application

1 for the underlying permit for a proposed project, except that phased submittal of a full stormwater
2 site plan is permitted pursuant to SCC 30.63A.820.

3
4 ~~((3) An application for a new development or redevelopment which requires a stormwater site plan to
5 be submitted at the time of application for the underlying permit shall not be deemed complete
6 until a complete stormwater site plan is submitted together with the application for the permit or
7 approval. The department shall use the provisions of SCC 30.63A.400 to determine if the
8 stormwater site plan is complete.))~~

9
10 ~~((4))~~ (3) When a full stormwater site plan is required for new development or redevelopment and the
11 drainage review is phased, the full stormwater plan shall be submitted at the time construction
12 plans are submitted.

13
14 ~~((5))~~ (4) Upon finding any deficiencies in the stormwater site plan submittal, the department shall
15 notify the applicant of the deficiencies and return the stormwater site plan to the applicant for
16 revision and resubmittal.

17
18 (5) Stormwater site plan resubmissions after two reviews by the department may be subject to the
19 resubmittal and revision fee requirement in SCC 30.86.510(2).

20
21 (6) Once a stormwater site plan has been determined complete by addressing all necessary provisions
22 from SCC 30.63A.400, the department shall review the plan for compliance. This review shall include
23 site inspections pursuant to SCC 30.63A.860.

24
25 ~~((7) Stormwater site plan resubmissions after two reviews by the department, or the submittal of a
26 revised stormwater site plan, shall be subject to the resubmittal and revision fee requirement in SCC
27 30.86.510(2).))~~

28
29 ~~((8))~~ (7) The department shall notify the applicant upon approval of the stormwater site plan.

30
31 Section 12. Snohomish County Code Section 30.63A.820, last amended by Ordinance No. 15-102
32 on January 11, 2016, is amended to read:

33
34 **30.63A.820 Phased submittal of full stormwater site plans.**

35
36 An applicant may phase the submittal of a full stormwater site plan pursuant to this section.

37
38 (1) When a project requires a full stormwater site plan, and the proposed development activity ~~((is
39 subject to a public hearing where the hearing examiner has original jurisdiction))~~ requires an
40 underlying Type 1 or Type 2 land use approval, an applicant may submit a targeted stormwater site
41 plan pursuant to SCC 30.63A.805, along with the underlying permit application, to initiate review.

42
43 (2) As part of a phased submittal, in addition to compliance with minimum requirements 1 through 5
44 (SCC 30.63A.400 through 30.63A.525), the targeted stormwater site plan shall comply with
45 additional requirements as follows:
46

1 (a) If the site analysis required by minimum requirement 1 identifies site conditions that require
2 compliance with minimum requirement 6, 7 ~~((or))~~, 8, or 9, the targeted stormwater site plan
3 shall address water quality treatment, flow control, ~~((and))~~ wetlands protection, and inspection,
4 operations, and maintenance pursuant to SCC 30.63A.530 through ~~((SCC 30.63A.570))~~ SCC
5 30.63A.605, when applicable.

6
7 (b) Detailed engineering and design information shall be provided when required by the director for
8 site-specific conditions, development in the public right-of-way, or compliance with any
9 required conveyance sizing, on-site stormwater management BMPs, LID design or detention or
10 treatment design, as needed to protect the public health, safety, and welfare.

11
12 (3) The department shall review the targeted stormwater site plan and make written findings regarding
13 whether it adequately assesses ~~((the LID feasibility))~~ compliance with minimum requirements 1
14 through 5 (SCC 30.63A.400 through SCC 30.63A.525) for the project as proposed and ~~((whether))~~ the
15 feasibility of the proposed new development or redevelopment to comply with minimum
16 requirements 6 through 9 (SCC 30.63A.530 through SCC 30.63A.605) including whether the project
17 will:

18
19 (a) Adversely affect existing water quality conditions of any surface or ground water;

20
21 (b) Alter the existing surface or subsurface drainage patterns or flow rates on or off the site;

22
23 (c) Increase peak discharge or stormwater runoff volume sufficiently to cause adverse impacts
24 downstream; or

25
26 (d) Cause erosion, sedimentation or flooding on upstream or downstream properties.

27
28 (4) ~~((The department shall provide a written recommendation regarding the targeted stormwater site~~
29 ~~plan to the hearing examiner. If the department recommends conditional approval of the targeted~~
30 ~~stormwater site plan, the recommendation shall include a statement requiring the submittal and~~
31 ~~approval of a full stormwater site plan, which must be found by the department to comply with the~~
32 ~~requirements of this chapter prior to any construction plan approval.))~~ The underlying land use
33 decision for the proposed development or redevelopment activity shall include findings addressing
34 the feasibility of the project to comply with minimum requirements 1 through 9 (SCC 30.63A.400
35 through SCC 30.63A.605).

36
37 (5) If the ~~((hearing examiner approves the new))~~ underlying land use decision for the proposed new
38 development or redevelopment activity is approved, the approval shall be conditioned upon
39 submittal of a full stormwater site plan to the department which complies with minimum
40 requirements 1 through 9 (SCC 30.63A.400 through SCC 30.63A.605).

41
42 (6) The applicant shall not initiate construction until the department approves a full stormwater site
43 plan and issues construction permits.

44
45 Section 13. Snohomish County Code Section 30.63A.830, last amended by Amended Ordinance
46 No. 20-081 on January 20, 2021, is amended to read:

1 **30.63A.830 Modifications.**

2
3 (1) The county may approve project-specific modifications of the regulations and standards in chapters
4 30.63A and 30.63B SCC, the Drainage Manual, and the stormwater-applicable requirements of the
5 EDDS pursuant to the requirements of this section. The department shall have decision-making
6 authority for modifications of this title and the department of public works or the department of
7 conservation and natural resources shall have decision-making authority for modifications of the
8 Drainage Manual and the stormwater-applicable requirements of the EDDS. The director of the
9 department of public works or the department of conservation and natural resources may delegate
10 the authority granted to them under this subsection (1) to the director of the department of
11 planning and development services (~~and/or the director of the department of conservation and~~
12 ~~natural resources~~)).

13
14 (2) Modifications shall be requested in writing on an application form approved by the department.

15
16 (3) Modification requests shall be submitted as soon as the need for the modification is identified.
17 Modifications that affect project lot yield, density, or scope must be submitted prior to the SEPA
18 threshold determination (~~of~~) and the final (~~administrative~~) decision on the underlying project
19 application.

20
21 (4) The modification fee established in SCC 30.86.515 shall be paid at the time the modification request
22 is submitted to the department.

23
24 (5) The modification request shall:

25
26 (a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage Manual, or the EDDS for
27 which the modification is requested;

28
29 (b) Describe how the intent of the regulations and standards will be achieved with the modification;

30
31 (c) Provide the reasons for the request including site-specific details;

32
33 (d) Indicate how the request meets the criteria of subsection (6) of this section;

34
35 (e) Indicate if a submittal requirement is required to be modified or waived; and

36
37 (f) Contain sufficient information to evaluate the request.

38
39 (6) The appropriate director may modify any regulation or standard in chapters 30.63A and 30.63B SCC,
40 the Drainage Manual, or the stormwater-applicable requirements of the EDDS for a specific project,
41 provided that the applicant has demonstrated to the director's satisfaction that the following
42 criteria are met:

43
44 (a) The modification provides substantially equivalent environmental protection as adopted
45 stormwater management regulations and standards;

1 (b) The modification is based upon sound engineering practices which will meet design objectives
2 addressing safety, function, environmental protection, and facility maintenance;
3

4 (c) The modification does not adversely impact off-site properties; and
5

6 (d) The modification results in the least possible change that could be granted that still meets the
7 intent of chapters 30.63A and 30.63B SCC, the Drainage Manual and the EDDS.
8

9 (7) No submittal checklist requirement shall be modified which would result in a failure to meet the
10 requirements of chapters 30.63A or 30.63B SCC, the Drainage Manual, or the EDDS.
11

12 (8) The appropriate director shall issue a written decision within 30 days of receipt of a complete
13 modification request. However, if the request requires a significant amount of technical analysis by
14 the department, the director may notify the applicant by U.S. or electronic mail that additional
15 review time is required beyond 30 days or that additional information is needed to render a
16 decision.
17

18 (9) The appropriate director's written decision shall approve, conditionally approve, or deny the
19 request. It shall include findings of fact and conclusions documenting the county's evaluation of the
20 modification criteria in subsection (6) of this section. The decision shall state that the applicant can
21 file a request for reconsideration pursuant to SCC 30.63A.835.
22

23 (10) The appropriate director's modification decision shall be the county's final decision on the
24 modification request unless reconsideration is requested under SC 30.63A.835. The hearing
25 examiner may not review the director's final decision on the modification request under either the
26 hearing examiner's original or appellate jurisdiction. Any appeal shall be a judicial appeal filed in
27 superior court pursuant to the Land Use Petition Act (chapter 36.70C RCW), provided that a
28 modification decision issued prior to the underlying project permit decision must be appealed
29 together with and at the same time as the county's final decision on the underlying permit.
30

31 (11) If the appropriate director determines that a modification of a procedural requirement should apply
32 to all applicants for new development and redevelopment, the modification may be applied to all
33 applications for new development or redevelopment without a need for each applicant to request
34 the modification.
35

36 Section 14. Snohomish County Code Section 30.63A.840, last amended by Amended Ordinance
37 No. 20-081 on January 20, 2021, is amended to read:
38

39 **30.63A.840 Waivers.**
40

41 (1) The county may approve requests for project-specific waivers of the regulations and standards in
42 chapters 30.63A and 30.63B SCC, the Drainage Manual, and the stormwater-applicable
43 requirements of the EDDS pursuant to the requirements of this section. The department shall have
44 decision-making authority for waivers from this title and the department of public works or the
45 department of conservation and natural resources shall have decision-making authority for waivers
46 from the Drainage Manual and the stormwater-applicable requirements of the EDDS. The director of

1 the department of public works or department of conservation and natural resources may delegate
2 the authority granted to them under this subsection (1) to the director of the department of
3 planning and development services (~~and/or the director of the department of conservation and~~
4 ~~natural resources~~)).

5
6 (2) Waivers shall be requested in writing on an application form approved by the department.
7

8 (3) Waiver requests shall be submitted as soon as the need for the waiver is identified. Waivers that
9 affect project lot yield, density, or scope must be submitted prior to the SEPA threshold
10 determination ~~((or))~~ and the final ~~((administrative))~~ decision on the underlying project application.
11 The waiver fees established in SCC 30.86.510 shall be paid at the time the waiver request is
12 submitted to the department.
13

14 (4) The waiver request shall:

15
16 (a) Specify the section(s) of chapters 30.63A and 30.63B SCC, the Drainage Manual, or the EDDS for
17 which the waiver is requested;
18

19 (b) Describe how the intent of the requirement will be achieved with the waiver;
20

21 (c) Provide the reasons for the request including site-specific details;
22

23 (d) Document how the request meets the criteria of the subsection (5) of this section; and
24

25 (e) Contain sufficient information to evaluate the request.
26

27 (5) The appropriate director may waive any regulation or standard in chapters 30.63A or 30.63B SCC,
28 the Drainage Manual, or the stormwater-applicable requirements of the EDDS for a specific project,
29 provided that the applicant has demonstrated to the director's satisfaction that the following
30 criteria are met:
31

32 (a) The appropriate director finds and documents in writing that the application of the stormwater
33 management requirement or standard for which the waiver is sought will deny the project
34 applicant all economically viable use of the property that is subject to the requirement or
35 standard;
36

37 (b) The waiver will not increase risk to the public health and welfare, be injurious to other
38 properties in the vicinity or upstream or downstream, or affect the quality of waters of the
39 state; and
40

41 (c) The waiver is the least possible waiver that could be granted to comply with the intent of
42 chapters 30.63A and 30.63B SCC, the Drainage Manual, and the EDDS.
43

44 (6) A notice of application shall be provided for each waiver application pursuant to the procedures
45 outlined in SCC 30.70.045 through 30.70.070.
46

- 1 (7) The appropriate director shall issue a written decision within 30 days of the end of the comment
2 period established in SCC 30.70.060. However, if the request requires a significant amount of
3 technical analysis by the department, the director may notify the applicant by U.S. or electronic mail
4 that additional review time is required beyond 30 days or that additional information is needed to
5 render a decision.
6
- 7 (8) The director's decision shall be in writing and include findings of fact and conclusions based upon an
8 evaluation of the waiver criteria in subsection (5) of this section. The director may approve, approve
9 conditionally, or deny the waiver request. The decision shall state that the applicant and any party
10 of record may request reconsideration of the decision pursuant to SCC 30.63A.842. The director
11 shall provide a notice of decision pursuant to SCC 30.71.040.
12
- 13 (9) The appropriate director shall also include in the written decision the following information:
14
- 15 (a) The current (pre-project) use of the site;
 - 16
 - 17 (b) How the application of the standard(s) or requirement(s) for which the waiver is sought restricts
18 the proposed use of the site compared to the restrictions that existed prior to the adoption of
19 the applicable minimum requirements;
 - 20
 - 21 (c) The possible remaining uses of the site if the waiver (~~were~~) was not granted;
 - 22
 - 23 (d) The uses of the site that would have been allowed in Title 30 SCC prior to the adoption of the
24 applicable minimum requirements;
 - 25
 - 26 (e) A comparison of the estimated amount and percentage of value loss as a result of the
27 requirements versus the estimated amount and percentage of value loss as a result of
28 requirements that existed prior to adoption of the applicable minimum requirements; and
29
 - 30 (f) Whether it is feasible for the owner to alter the project to apply the applicable minimum
31 requirements.
32
- 33 (10) The appropriate director's waiver decision shall be the county's final decision on the waiver request
34 unless reconsideration is requested under SCC 30.63A.842. The hearing examiner may not review
35 the director's final decision on the waiver request under either the hearing examiner's original or
36 appellate jurisdiction. Any appeal shall be a judicial appeal filed in superior court pursuant to the
37 Land Use Petition Act (chapter 36.70C RCW), provided that a waiver decision issued prior to the
38 underlying project permit decision must be appealed together with and at the same time as the
39 county's final decision on the underlying permit.
40
- 41 (11) If the appropriate director determines that a waiver of a procedural requirement should apply to all
42 applications for new development or redevelopment, the waiver may be applied to all such
43 applications without a need for each applicant to request the waiver.
44

45 Section 15. Snohomish County Code Section 30.63A.865, adopted by Amended Ordinance No.
46 10-026 on June 9, 2010, is amended to read:

1
2 **30.63A.865 Submittal of engineering record drawings.**
3

4 Upon completion of the construction of conveyance systems, treatment facilities, flow control facilities,
5 and structural source control BMPs (excluding the construction of on-site stormwater management
6 BMPs) and prior to final inspection approval, the applicant shall submit record drawings of the full
7 stormwater site plan prepared by a civil engineer or registered surveyor. The complete set of
8 engineering record drawings shall accurately represent the project as constructed. They shall depict the
9 actual vertical and horizontal locations of roads and drainage facilities constructed on and off the site.
10 Record drawings shall be stamped, signed, and dated by a civil engineer licensed in Washington State
11 and shall meet the standards contained in the EDDS.
12

13 Section 16. Snohomish County Code Section 30.63B.070, last amended by Amended Ordinance
14 No. 21-025 on June 16, 2021, is amended to read:
15

16 **30.63B.070 Land disturbing activity permit exemptions.**
17

18 A land disturbing activity permit is not required for activities exempted in this section. Exemption from
19 obtaining a land disturbing activity permit is not an exemption from compliance with this chapter, nor
20 from any other applicable provision in this title. Land disturbing activity exempted in this section shall
21 comply with SCC 30.63A.445 and 30.63A.450, unless specifically exempted from those provisions by SCC
22 30.63A.200 or subject to alternative requirements in SCC 30.63A.810.
23

24 (1) Land disturbing activities are exempt from obtaining a land disturbing activity permit when:
25

- 26 (a) The land disturbing activity occurs outside all critical areas, together with the buffers of and
27 setbacks from these critical areas, except that such activities may occur within floodplains and
28 aquifer recharge areas of low or moderate sensitivity to groundwater contamination;
29
30 (b) The land disturbing activity is set back at least two feet from all property lines;
31
32 (c) The land disturbing activity does not obstruct or alter an existing drainage or course or pattern;
33
34 (d) The land disturbing activity disturbs less than 7,000 square feet of land;
35
36 (e) The land disturbing activity creates or replaces less than 2,000 square feet of new, replaced, or
37 new plus replaced hard surfaces;
38
39 (f) The property on which the land disturbing activity will occur collects or concentrates
40 stormwater from 5,000 square feet or less of drainage area; and
41
42 (g) The amount of land disturbing activity is consistent with one of the following thresholds:
43
44 (i) One hundred cubic yards or less of grading on a site in any 18 consecutive months (except
45 fills and associated compaction intended to support structures or private roads);
46

1 (ii) Five hundred cubic yards or less of excavation in any 18 consecutive months for a basement
2 foundation, or for improvements to a single family dwelling and/or accessory structures,
3 provided that excess excavated material shall be disposed of at a permitted site approved
4 by the director and provided further that the activity shall only commence after a building
5 permit is secured by the applicant; or
6

7 (iii) Five hundred cubic yards or less of grading in any 18 consecutive months for construction of
8 underground drainage systems, provided that the construction shall only commence after a
9 right-of-way use, utility, single family, or commercial building permit is obtained by the
10 applicant.
11

12 (2) The following land disturbing activities are exempt from obtaining a land disturbing activity permit
13 when the activity is at least two feet from all property boundary lines. For this exemption to apply,
14 development activities must occur outside all critical areas, together with the buffers of and
15 setbacks from these critical areas, except that such activities may occur within floodplains and
16 aquifer recharge areas of low or moderate sensitivity to groundwater contamination:
17

18 (a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter
19 70.95 RCW, except that expansion, relocation, closure, or capping of a solid waste disposal site
20 is not exempt;
21

22 (b) Mineral resource operations including commercial mining, quarrying, excavating, or processing
23 of rock, sand, gravel, aggregate, or clay and associated stockpiling when such operations are
24 authorized by a conditional use permit or an administrative conditional use permit for expansion
25 of a nonconforming use as required by chapter 30.22, 30.42C or 30.43A SCC, except that the
26 following are not exempt:
27

28 (i) Reclamation pursuant to SCC 30.63B.170;
29

30 (ii) An operation which the director determines may destabilize or undermine any adjacent or
31 contiguous property; and
32

33 (iii) An operation which the director determines may result in an adverse downstream drainage
34 impact.
35

36 (c) Site investigative work necessary for land use application submittals pursuant to this title, such
37 as surveys, soil borings, test pits, percolation tests, nonmechanical survey monument
38 placement, data collection by nonmechanical means, and other related activities, if performed
39 in accordance with state-approved sampling protocols or sections 7 and 10 of the federal
40 Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), provided that the land disturbing
41 activity is no greater than is necessary to accomplish the site investigative work and results in
42 less than 2,000 square feet of new plus replaced hard surfaces;
43

44 (d) Drilling or excavation of a well for a single family dwelling; and
45

46 (e) Digging, excavating, or filling cemetery graves.

1
2 (3) The following land disturbing activities are exempt from obtaining a land disturbing activity permit:
3

4 (a) Repair, maintenance ~~((or))~~, installation, or upgrades of underground or overhead facilities
5 performed by a utility that meets the following criteria:
6

7 (i) Replaces ground surfaces with in-kind materials or materials with similar runoff
8 characteristics and does not add hard surfaces;
9

10 (ii) Occurs outside all critical areas, together with the buffers of and setbacks from these critical
11 areas, except that such activities may occur within floodplains and aquifer recharge areas of
12 low or moderate sensitivity to groundwater contamination; and except as allowed by SCC
13 30.63B.070(3)(b);
14

15 (iii) Does not adversely impact any critical areas, critical area buffers or upstream or
16 downstream properties; ~~((and))~~
17

18 (iv) Is located at least two feet from all property boundary lines;
19

20 (v) The limits of the exempt surfaces for underground utilities shall include only the area
21 disturbed by the trench work necessary for the underground utility (including any over-
22 excavating necessary for the utility trench); and
23

24 (vi) Is not part of, directly related to, or caused by a new development or redevelopment
25 project.
26

27 (b) Minor development activities performed by a utility that meet the following criteria:
28

29 (i) Occurs within an improved right-of-way or an improved utility corridor;
30

31 (ii) Replaces ground surfaces with in-kind materials or materials with similar runoff
32 characteristics, does not add hard surfaces, and replaces less than 2,000 square feet of hard
33 surfaces;
34

35 (iii) Located at least two feet from all property boundary lines;
36

37 (iv) Consistent with criteria in SCC 30.63B.070(1)(c), (d), and (f);
38

39 (v) Involves 500 cubic yards or less of grading in any 18 consecutive months;
40

41 (vi) Occurs outside all critical areas, except that such activities may occur within buffers of and
42 setbacks from these critical areas and within floodplains and aquifer recharge areas of low
43 or moderate sensitivity to groundwater contamination; and except that replacement or
44 repair of utility poles may occur within non-riparian Category ~~((Hand))~~ III wetlands smaller
45 than 5,000 square feet that meet the criteria of SCC 30.62A.510(4), or non-riparian Category

1 IV wetlands smaller than 10,000 square feet that meet the criteria of SCC 30.62A.510(5),
2 provided that the replacement or repair of utility poles meets the following criteria:
3

4 (A) The replacement or repair of utility poles is conducted in accordance with
5 administrative rules adopted by the department; provided that when administrative
6 rules are unavailable, best management practices shall be employed;
7

8 (B) The replacement or repair of utility poles does not exceed 100 cubic yards of grading in
9 any 18 consecutive months, including grading for the replacement or repair of poles and
10 work necessary to provide access; and
11

12 (C) The replacement or repair of utility poles, including work necessary to obtain access to
13 the pole(s), is not located within a landslide hazard area as defined in SCC 30.91L.040(1)
14 through (3), or within the top of slope portion of the landslide hazard area;
15

16 (vii) Conducted in accordance with administrative rules adopted by the department; provided
17 that when administrative rules are unavailable, best management practices shall be
18 employed; and
19

20 (viii) Includes only the following activities:
21

22 (A) Normal maintenance and repair of utility facilities that does not expand the footprint of
23 existing utility corridors or utility facilities;
24

25 (B) Minor replacement, modification, extension, installation, or construction of utilities in
26 an improved public road right-of-way;
27

28 (C) Minor replacement, repair or modification of existing utility facilities in an improved
29 utility corridor;
30

31 (D) Minor replacement or modification of individual utility service lines connecting to a
32 utility distribution system;
33

34 (E) Vegetation maintenance in an improved utility corridor or improved road right-of-way
35 including removal of invasive weeds, and felling or topping of hazardous trees based on
36 review by a qualified arborist; and
37

38 (F) Pole repair or replacement as described in SCC 30.63B.070(3)(b)(vi);
39

40 (c) Remodeling or tenant improvements that do not meet the definitions of new development or
41 redevelopment;
42

43 (d) Forest practice Classes I, II, III and Class IV special nonconversion forest practices regulated by
44 Title 222 WAC;
45

1 (e) Oil and gas field activities (~~or operations, including the~~): construction of drilling sites, waste
2 management pits, access roads, and transportation and treatment infrastructure (such as
3 pipelines, natural gas treatment plants, natural gas pipeline compressor stations and crude oil
4 pumping stations). Operators are encouraged to implement and maintain best management
5 practices (BMPs) to minimize erosion and control sediment during and after construction
6 activities to help ensure protection of surface water quality during storm events;
7

8 (f) Pavement maintenance activities that include only targeted pavement repairs or maintenance
9 within the area that must be disturbed to repair or maintain the pavement. Pavement
10 maintenance activities do not include: a change in the characteristics of a roadway (e.g.
11 changing a four-way intersection to a roundabout); an increase in the traffic capacity of a
12 roadway or parking area (e.g. restriping to add lanes or parking spaces); nor an expansion in the
13 area of coverage (i.e. add new hard surfaces). The following road and pavement maintenance
14 activities are exempt:

15
16 ~~((pothole and))~~ (i) Pothole patching, square cut patching, and other targeted preservation work;

17
18 ~~((overlaying))~~ (ii) Overlaying existing asphalt or concrete pavement ((with asphalt or concrete
19 without expanding the coverage area)), including grinding and overlaying, provided
20 exposure of base course is not a planned component of the maintenance activity;

21
22 ~~((shoulder))~~ (iii) Shoulder grading(,);

23
24 ~~((reshaping and/))~~ (iv) Reshaping or re-grading drainage systems, including adding curb/gutter
25 and/or wedge curbs;

26
27 ~~((crack))~~ (v) Crack sealing ((, resurfacing with in-kind material without expanding the road prism,
28 pavement preservation activities that do not expand the pavement prism,)) ; and

29
30 ~~((vegetation))~~ (vi) Vegetation maintenance ((;)) associated with the road right-of-way.

31
32 (g) The construction or maintenance of recreational trails, not including challenge areas, parking
33 areas, spectator areas, or any other developed or disturbed areas that are not trails, provided
34 that the following criteria are met:

35
36 (i) The trail at issue is on land located in a rural or resource zone;

37
38 (ii) The trail at issue is located in a public park or a private park, as those terms are defined in
39 chapter 30.91P SCC;

40
41 (iii) The area in which the construction or maintenance will be performed does not drain into
42 the county's municipal separate storm sewer system, as that term is defined in chapter
43 30.91M SCC; and

44
45 (iv) Design of the trail conforms to:
46

- 1 (A) The standards specified in the United States Forest Service Trail Construction and
2 Maintenance Notebook and the United States Forest Service Standard Specifications for
3 Construction and Maintenance of Trails; or
4
- 5 (B) Such other standards for the design and construction of recreational trails that provide
6 equivalent or greater environmental protection, provided that such standards are
7 adopted by rule pursuant to SCC 30.82.010; and
8
- 9 (h) Site investigative work necessary for land use application submittals pursuant to this title, such
10 as surveys, soil borings, test pits, percolation tests, nonmechanical survey monument
11 placement, data collection by nonmechanical means or other related activities, provided that
12 the work is otherwise consistent with the provisions of other local, state and federal laws and
13 regulations. Land disturbance shall be no greater than that necessary to accomplish the site
14 investigative work and disturbed areas shall be restored to pre-disturbance conditions in one
15 growing season.
16
- 17 (4) The following commercial agricultural activities that are conducted on land designated riverway
18 commercial farmland, upland commercial farmland, or local commercial farmland by the
19 comprehensive plan and future land use map (FLUM) are exempt from obtaining a land disturbing
20 activity permit:
21
- 22 (a) Tiling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural
23 activities involving working the land. For this exemption to apply, development activities must
24 occur outside all critical areas, together with the buffers of and setbacks from these critical
25 areas, except that such activities may occur within floodplains and aquifer recharge areas of low
26 or moderate sensitivity to groundwater contamination;
27
- 28 (b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities,
29 ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural
30 buildings, fences, roads and bridges; and
31
- 32 (c) New construction of drainage ditches (including enlargement of existing drainage ditches) that
33 requires 500 cubic yards or less of grading. Such ditches shall not adversely impact critical areas
34 or upstream or downstream properties, be located within 100 feet of streams, wetlands, lakes,
35 marine waters, fish and wildlife habitat conservation areas, and erosion hazard areas, or contain
36 water on site for retention, infiltration or evaporation. For this exemption to apply,
37 development activities must occur outside all critical areas, together with the buffers of and
38 setbacks from these critical areas, except that such activities may occur within floodplains and
39 aquifer recharge areas of low or moderate sensitivity to groundwater contamination.
40
- 41 (5) Agricultural activities defined in chapter 30.32B SCC or SCC 30.91A.090 are exempt from obtaining a
42 land disturbing activity permit, provided that:
43
- 44 (a) The activity occurs on property on which agriculture is a legal use of the property;
45

1 (b) The activity requires no other permit or project approval from Snohomish County except for a
2 flood hazard permit under chapter 30.43C SCC; and
3

4 (c) The activity does not occur in a wetland as defined by state law, unless:
5

6 (i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean
7 Water Act; or
8

9 (ii) The wetland is an area of no greater than 5,000 square feet of nonriparian wetland
10 ~~((Categories II or))~~ Category III and meets the criteria of SCC 30.62A.510(4) or 10,000 square
11 feet of nonriparian Category IV wetlands~~((, pursuant to SCC 30.62A.230(2)))~~ and meets the
12 criteria of SCC 30.62A.510(5).
13

14 Section 17. Snohomish County Code Section 30.70.310, adopted by Amended Ordinance No. 21-
15 008 on April 7, 2021, is amended to read:
16

17 **30.70.310 Started construction – compliance with updated stormwater drainage regulations.**
18

19 (1) The purpose of this section is to implement the requirement in the county’s National Pollutant
20 Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit (Permit) that certain
21 permits and permit applications must comply with updated stormwater drainage regulations, per
22 the schedule and standards mandated by the Washington State Department of Ecology in the
23 Permit. In the event this section conflicts with any other provision of Snohomish County Code, this
24 section prevails.
25

26 (2) Approved permits and permit applications subject to pre-January 22, 2016, stormwater drainage
27 regulations that have not started construction by July 1, 2021, must be revised by the project
28 proponent to comply with updated stormwater drainage regulations that will be made effective by
29 the county on July 1, ~~((2021))~~ 2026. For projects with a phasing plan, compliance with the started
30 construction requirement will be assessed separately for each phase.
31

32 (3) Approved permits and permit applications subject to pre-July 1, 2021, stormwater drainage
33 regulations in effect between January 22, 2016, and June 30, 2021, that have not started
34 construction by July 1, 2026, must be revised by the project proponent to comply with updated
35 stormwater drainage regulations that will be made effective by the county on July 1, ~~((2021))~~ 2026.
36 For projects with a phasing plan, compliance with the started construction requirement will be
37 assessed separately for each phase.
38

39 (4) Approved permits and permit applications subject to pre-July 1, 2026, stormwater drainage
40 regulations in effect between July 1, 2021, and June 30, 2026, that have not started construction by
41 July 1, 2031, must be revised by the project proponent to comply with updated stormwater drainage
42 regulations that will be made effective by the county on July 1, 2026. For projects with a phasing
43 plan, compliance with the started construction requirement will be assessed separately for each
44 phase.
45

46 ~~((4))~~ (5) For purposes of this section, “started construction” means either:

1
2 (a) the site work associated with, and directly related to the approved project is at a stage where
3 rough grading is complete or utilities are installed. For rough grading to be considered complete,
4 elevations are within one foot of final design elevations; or

5
6 (b) for public works projects performed under the authority of the director of public works or the
7 county engineer which are subject to public bid laws, the project has been advertised per public
8 bid laws, legislatively approved for construction, awarded to contractor, site work has begun,
9 and the contractor has a schedule for completion.

10
11 ~~((5))~~ (6) For purposes of this section, “stormwater drainage regulations” are as described in SCC
12 30.63A.100.

13
14 Section 18. Snohomish County Code Section 30.91C.185, adopted by Amended Ordinance No.
15 10-026 on June 9, 2010, is amended to read:

16
17 **30.91C.185 Common plan of development or sale.**

18
19 “Common plan of development or sale” means a site where multiple separate and distinct construction
20 activities ~~((are))~~ may be taking place at different times, on different schedules, or by different
21 contractors, but are being performed as part of a single plan. Examples include, but are not limited to: 1)
22 Phased projects and projects with multiple phases or lots, even if the separate phases or lots will be
23 constructed under separate contracts or by separate owners (e.g., a development where lots are sold to
24 separate builders); 2) A development plan that may be phased over multiple years, but is still under a
25 consistent plan for long-term development; ~~((and))~~ 3) Projects in a contiguous area that may be
26 unrelated but are under the same contract, such as construction of a building extension and a new
27 parking lot at the same facility; and 4) Linear projects such as roads, pipelines, or utilities. If a project is
28 part of a common plan of development or sale, the disturbed area of the entire plan shall be used in
29 determining permit requirements.

30
31 Section 19. Snohomish County Code Section 30.91C.300, last amended by Amended Ordinance
32 No. 15-103 on January 11, 2016, is amended to read:

33
34 **30.91C.300 Conveyance system.**

35
36 “Conveyance system” means a constructed (artificial) or natural system of drainage facilities which
37 collects, contains, and conducts the flow of stormwater runoff. The elements of a constructed
38 conveyance system include, but are not limited to, gutters, ditches, pipes, constructed open channels,
39 and detention facilities. The elements of a natural conveyance system include, but are not limited to,
40 swales, wetlands, drainage courses, streams, and rivers.

41
42 Section 20. Snohomish County Code Section 30.91E.070, last amended by Ordinance No. 15-103
43 on January 11, 2016, is amended to read:

44
45 **30.91E.070 Effective impervious surface.**

1 “Effective impervious surface” means those impervious surfaces that are connected via sheet flow or
2 discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: (1) the
3 runoff is fully dispersed (~~(through at least 100 feet of native vegetation)~~) in accordance with BMP T5.30
4 – “Full Dispersion,” as described in volume V, chapter 5 of the Drainage Manual; ~~((or))~~ (2) residential
5 roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in
6 volume III of the Drainage Manual; or (3) all runoff from the impervious surface is infiltrated (i.e.
7 approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.
8

9 Section 21. Snohomish County Code Section 30.91I.010, last amended by Ordinance No. 15-103
10 on January 11, 2016, is amended to read:

11
12 **30.91I.010 Impervious surface.**

13
14 “Impervious surface” means a ~~((non-vegetated))~~ surface area that either prevents or retards the entry of
15 water into the soil mantle as compared to infiltration under natural conditions prior to development. A
16 ~~((non-vegetated))~~ surface area which causes water to run off the surface in greater quantities or at an
17 increased rate of flow from the flow that was present under natural conditions, prior to development.
18 Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking
19 lots, storage areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials,
20 surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous surface treatment
21 (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt cement, and other surfaces which
22 similarly impede the natural infiltration of stormwater. ~~((Open, uncovered retention and detention
23 facilities shall not be considered impervious surfaces for purposes of determining whether the
24 thresholds or applying minimum stormwater management requirements are exceeded pursuant to
25 chapter 30.63A SCC. However, open, uncovered retention and detention facilities shall be considered
26 impervious surfaces for purposes of runoff modeling.))~~

27
28 For purposes of determining whether the thresholds for application of minimum requirements are
29 exceeded, open, uncovered retention or detention BMPs shall not be considered as impervious surfaces.
30 Open, uncovered retention or detention BMPs shall be considered impervious surfaces for the purposes
31 of runoff modeling.

32
33 When an underdrain (not intended to infiltrate) is used below an artificial turf surface, that surface shall
34 be considered (and modeled) as impervious surface.

35
36 Section 22. A new section is added to Chapter 30.91N of the Snohomish County Code to read:

37
38 **30.91N.044.1 New hard surface.**

39
40 “New hard surface” means a surface that is:

- 41
42 (1) Upgraded from dirt to gravel, a bituminous surface treatment (“chip seal”), asphalt, concrete,
43 permeable pavement, a structure with vegetated roof, or an impervious surface; or
44
45 (2) Upgraded from gravel to chip seal, asphalt, concrete, permeable pavement, a structure with a
46 vegetated roof, or an impervious surface; or

1
2 (3) Upgraded from chip seal to asphalt, concrete, permeable pavement, a structure with a vegetated
3 roof, or an impervious hard surface.

4
5 If asphalt or concrete has been overlaid by chip seal, the existing condition should be considered as
6 asphalt or concrete.

7
8 Section 23. A new section is added to Chapter 30.91N of the Snohomish County Code to read:

9
10 **30.91N.044.2 New impervious surface.**

11 “New impervious surface” means a surface that is:

12
13
14 (4) Changed from a pervious surface to an impervious surface (e.g. resurfacing by upgrading from dirt
15 to gravel, a bituminous surface treatment (“chip seal”), asphalt, concrete, or an impervious
16 structure); or

17
18 (5) Upgraded from gravel to chip seal, asphalt, concrete, or an impervious structure; or

19
20 (6) Upgraded from chip seal to asphalt, concrete, or an impervious structure.

21
22 If asphalt or concrete has been overlaid by chip seal, the existing condition should be considered as
23 asphalt or concrete.

24
25 Section 24. Snohomish County Code Section 30.91P.257, last amended by Amended Ordinance
26 No. 15-103 on January 11, 2016, is amended to read:

27
28 **30.91P.257 Pollution-generating pervious surfaces or PGPS.**

29
30 “Pollution-generating pervious surfaces” or “PGPS” means any non-impervious surface subject to
31 vehicular use, industrial activities (as ~~((further))~~ defined in the glossary of the Drainage Manual), or
32 storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the
33 run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Artificial turf is also
34 considered to be a PGPS. Typical PGPS include permeable pavement subject to vehicular use, lawns, and
35 landscaped areas, including golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

36
37 Section 25. Snohomish County Code Section 30.91P.354, last amended by Ordinance No. 15-103
38 on January 11, 2016, is amended to read:

39
40 **30.91P.354 Project site.**

41
42 “Project site” means that portion of a property, properties, ~~((or))~~ and right-of-way subject to land
43 disturbing activities, new hard surfaces or replaced hard surfaces.

44
45 *This definition applies only to chapters 30.63A and 30.63B SCC.*

1 Section 26. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

2
3 **30.91P.345 Project.**

4
5 “Project” is any proposed action to alter or develop a site; or the proposed action of a permit application
6 or an approval that requires drainage review.

7
8 *This definition applies only to chapters 30.63A and 30.63B SCC.*

9
10 Section 27. Snohomish County Code Section 30.91R.119, adopted by Ordinance No. 15-103 on
11 January 11, 2016, is amended to read:

12
13 ~~((30.91R.119))~~ **30.91R.118 Replaced hard surface.**

14
15 “Replaced hard surface” means:

- 16
17 (1) For structures, the removal ~~((and replacement of hard surfaces))~~ down to (i.e. exposing the top of)
18 the foundation and replacement.
19
20 (2) For other hard surfaces, the removal down to (i.e. exposing the top of) bare soil or base course and
21 replacement.

22
23 Section 28. A new section is added to Chapter 30.91R of the Snohomish County Code to read:

24
25 **30.91R.119 Replaced impervious surface.**

26
27 “Replaced impervious surface” means:

- 28
29 (1) For structures, the removal down to (i.e. exposing the top of) the foundation and replacement.
30
31 (2) For other impervious surfaces, the removal down to (i.e. exposing the top of) bare soil or base
32 course and replacement.

33
34 Section 29. Snohomish County Code Section 30.91S.351, last amended by Ordinance No. 15-103
35 on January 11, 2016, is amended to read:

36
37 **30.91S.351 Site.**

38
39 “Site” means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject
40 to new development or redevelopment, including contiguous improvements in the right-of-way. For
41 road projects, the length of the project site and right-of-way boundaries define the site.

42
43 A site may include multiple parcels and/or sections of right-of-way, if multiple parcels or sections of
44 right-of-way are subject to the new development or redevelopment project.

45
46 *This definition applies only to chapters 30.63A and 30.63B SCC.*

1
2 Section 30. Snohomish County Code Section 30.91S.521, adopted by Amended Ordinance No.
3 10-026 on June 9, 2010, is amended to read:

4
5 **30.91S.521 Source control BMP.**

6
7 “Source control BMP” means (~~(structures, equipment, supplies or operations)~~) a structure or operation
8 intended to prevent pollutants from coming into contact with stormwater through physical separation
9 of areas or careful management of activities that are sources of pollutants. The Drainage Manual,
10 Volume IV lists both structural and operational source control BMPs.

11
12 Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are
13 intended to prevent pollutants from entering stormwater.

14
15 Operational Source Control BMPs are non-structural practices that prevent or reduce pollutants from
16 entering stormwater.

17
18 Section 31. Snohomish County Code Section 30.91T.054B, last amended by Amended Ordinance
19 No. 21-025 on June 16, 2021, is amended to read:

20
21 **30.91T.054B Threshold discharge area.**

22
23 “Threshold discharge area (TDA)” means an area within a project site draining to a single natural
24 discharge location or multiple natural discharge locations that combine within one-quarter mile
25 downstream as determined by the shortest flow path. (Refer to diagrams in Drainage Manual, Volume I,
26 Glossary).

27
28 If the project site does not currently discharge at the natural location and the department determines it
29 is impractical to return the discharge to the natural location (for example, in highly-urbanized areas with
30 built-out conveyance systems that were not constructed in the natural or historic discharge locations),
31 then the TDA delineation is based on the discharge(s) at the existing location(s).

32
33 Section 32. A new section is added to Chapter 30.91V.016 of the Snohomish County Code to
34 read:

35
36 **30.91V.016 Vehicular use.**

37
38 “Vehicular use” means regular use of an impervious or pervious surface by motor vehicles. The following
39 are subject to regular vehicular use:

- 40
41 • Roads;
42
43 • Un-vegetated road shoulders;
44
45 • Bike lanes within the traveled land of a roadway;
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- Driveways;
- Parking lots;
- Unrestricted access fire lanes;
- Vehicular equipment storage yards;
- Railway lines, including light rail elevated and non-elevated guideways or tracks; and
- Airport runways and other surfaces intended for movement or storage of aircraft.

The following are not considered subject to regular vehicular use:

- Sidewalks not subject to drainage from roads for motor vehicles,
- Paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles,
- Restricted access fire lanes, and
- Infrequently used maintenance access roads.

This definition applies only to chapters 30.63A and 30.63B SCC.

Section 33. Effective Date. This ordinance shall become effective July 1, 2026.

Section 34. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this _____ day of _____, 20__.

SNOHOMISH COUNCIL
Snohomish, Washington

Council Chair

1 ATTEST:

2

3

4

5 _____
Asst. Clerk of the Council

6

7 () APPROVED

8 () EMERGENCY

9 () VETOED

DATE:

10

11

12

13

County Executive

14 ATTEST:

15

16

17

18 _____
Approved as to form only:

19

20 *Alethea Hart* 4/27/2026

21 _____
Deputy Prosecuting Attorney

22